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COMMISSION ON HUMAN RIGHTS

First Special Session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 14 August 1992, at 3 p.m.

Chairman:	Mr. WALKER	(Australia)
later:	Mr. SOLT	(Hungary)

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Closure of the session

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The meeting was called to order at 3.30 p.m.

LETTER DATED 5 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS (agenda item 3) (continued) (E/CN.4/1992/S-1/2-7; E/CN.4/1992/S-1/NGO/1 and 2; E/CN.4/1992/S-1/L.2; E/CN.4/Sub.2/1991/55; S/24365; M/CCPR/92/16)

1. Mr. CENKO (Observer for Albania), speaking under rule 69 of the rules of procedure, said it was high time that the Commission on Human Rights reacted to the appeals addressed to it in connection with the very serious situation in the former Yugoslavia. The tragic situation of mass violations of human rights in that country was the result of Serbian aggression against internationally recognized sovereign States, the most extreme case being that of Bosnia and Herzegovina, where the violations were taking the form of genocide.

2. His delegation was concerned at the fact that the centres of conflict were near Albania's borders, and at the fact that a population of 3 million ethnic Albanians lived in the former Yugoslavia, approximately 2 million of them in Kosovo. The criminal acts perpetrated by the Serbian armed forces in Bosnia and Herzegovina were of unimaginable cruelty. The Commission should take all the means in its power to put an end to Serbian aggression encouraged by blind nationalism in order to help to prevent the spread of the armed conflict to other regions, including Kosovo, where the Yugoslav crisis had emerged 10 years previously.

3. The region of Kosovo, 90 per cent of whose inhabitants were ethnic Albanians, had long been subjected to the terror imposed by the Serbian military, police and paramilitary occupation forces. Its inhabitants' human rights and national rights - guaranteed by the Yugoslav Constitution of 1974, which had established it as a part of the Yugoslav Federation - had been violated. Serbia had established an apartheid system by force of arms and maintained a bloody state of siege which had caused many victims among the civilian population; it claimed to base its inhuman acts on an alleged historical right. To date, the Albanians had resisted Serbian provocation by their patience, but given the serious nature of the situation, armed conflict in Kosovo seemed imminent.

4. His delegation supported the adoption of a resolution by the Commission but considered that it should also discuss the human rights situation in Kosovo and elsewhere in the former Yugoslavia. The appointment of a special rapporteur was an essential step.

5. The Albanians of Kosovo were the only modern Europeans to live under an apartheid regime. The solution of the Albanian question in the former Yugoslavia was a prerequisite for any lasting solution to the Yugoslav crisis. Recognition of the right of the Albanians of Kosovo to self-determination was a prior condition for the effective enjoyment of human rights and fundamental freedoms as defined in the international human rights instruments to which Yugoslavia was a party. It seemed impossible that the Albanians would agreed to continue to live under the Serbian yoke.

6. As in Bosnia and Herzegovina, Serbia's expansionist and colonialist policy in Kosovo was aimed at mass displacements and "ethnic cleansing", with a view to the creation of a greater Serbia. In order to encourage the departure of the Albanians of Kosovo, the Serbian authorities subjected them to political, economic and social pressures, flagrant ethnic terror and unprecedented State terrorism. The most tangible consequences of that racial segregation policy were the exclusion of Albanians from all government bodies, the domination of the Serbian and Montenegran minority, who made up only 10 per cent of the population of Kosovo, maltreatment, assassinations and dismissals of Albanians, the dismantling of the legal system, the negation of all rights of Albanians, and the destruction of their culture and national identity.

7. His delegation thus urged the Commission to take effective action in Kosovo in order to resolve the conflict through dialogue and to bring about the raising of the siege and the withdrawal of all military, police and paramilitary forces. The Government of Albania would, for its part, uphold the efforts of the international community to stop the war in Bosnia and Herzegovina, make the demilitarization of Kosovo possible, and guarantee respect for human rights and the right of the Albanian people to self-determination.

8. Mr. GUNDUZ AKTAN (Observer for Turkey), speaking under rule 69 of the rules of procedure, said that what was going on in Bosnia and Herzegovina was a war of aggression, waged by its neighbour, Serbia. Unless it was brought to an end, human rights violations would continue. According to reliable sources, Serbs in Bosnia and Herzegovina had military control of more than two thirds of the country, and Bosnian Muslims and Croatians had been killed, starved, uprooted and treated inhumanely. Negotiations arranged between the parties had failed to establish cease-fires and enabled the Serbs to continue to expand the areas they controlled. In the circumstances, the Security Council was the only body competent to stop the aggression in Bosnia and Herzegovina; it had not yet fulfilled its responsibility. The deliberations of the Commission should not serve as an excuse for the Security Council to shrink from that responsibility.

9. The draft resolution (E/CN.4/1992/S-1/L.2) had many shortcomings which raised doubts: it did not focus on Bosnia and Herzegovina as the country in which the tragedy was being enacted; it did not name the aggressor or the victims and thus treated aggressor and victims on an equal footing as ICRC had done in its statements; and it claimed not to know facts which had been obvious for months. As a result, his delegation feared that the aggressor would feel free to continue its aggression in Bosnia and subsequently extend it. The only positive outcome to be expected from the resolution would be the information to be provided on who was responsible for the continuing savagery.

10. The position of the international community, which amounted to allowing aggression to continue while trying to curb human rights abuses, would not do. Unless there was a major departure from that position, the Commission would soon be meeting again to consider another part of the former Yugoslavia.

11. Mr. PHEKO (Pan Africanist Congress of Azania), spreaking under rule 70 of the rules of procedure, said that his delegation represented a people who had

long suffered from the crimes of apartheid and genocide and could therefore identify with the sufferings of the people of Bosnia and Herzegovina. His organization abhorred the concept of "ethnic cleansing" as barbarous and similar to apartheid, which had been declared a crime against humanity in 1973 by the United Nations Convention on the Suppression and Punishment of the Crime of Apartheid. That Convention had been ratified by 93 States.

12. Human rights were universal and indivisible. His delegation trusted that all deserving areas of the world threatened with genocide or other crimes against humanity would be attended to with equal vigour so that all threats to international peace could be avoided. It pledged its moral support to the Commission in its endeavours to remove the scourge of war from Bosnia and Herzegovina.

13. Mr. OZADOVSKI (Observer for Ukraine), speaking under rule 69 of the rules of procedure, said that, as representatives of a number of countries had already stated, military action in the former Yugoslavia was escalating while the overall humanitarian situation there had worsened. The emergence of some 2 million refugees from different ethnic groups was a sign of the growing Yugoslav tragedy. His delegation expressed concern at the cruel treatment of the civilian population in recent weeks, including persons of Ukrainian origin. It would support all decisions taken by the Security Council and the Commission.

14. At its current session, the Commission had the important task of adopting by consensus a statement on the need to curb "ethnic cleansing" and other massive violations of human rights. His Government supported the initiative of sending a special rapporteur to the conflict areas to collect information for a detailed report which would allow the United Nations to take effective political and legal steps to settle the conflict and problems of human rights.

15. The Ukrainian Parliament, with a view to a constructive contribution to peace, had decided to send a Ukrainian battalion to the former Yugoslavia as part of the United Nations peace-keeping force; however, the contingent sent had suffered considerable casualties. His Government had expressed its concern and alarm at the activities of the hostile factions in Sarajevo which had led to the Ukrainian losses, in violation of the principles of international law. His Government called on the parties to the conflict in Bosnia-Herzegovina and Serbia unconditionally to end hostile action against the peace-keeping forces. It appealed to all parties to the Yugoslav conflict to establish contacts, to negotiate, with support from the United Nations, and to find ways of settling their differences. It supported the request contained in the draft resolution that all parties to the conflict should respect the terms of the Geneva Conventions in the regions affected by military action.

16. Mr. JAMAL (Observer for Tanzania), speaking under rule 69 of the rules of procedure, expressed his delegation's appreciation to the United States for taking the initiative in dealing with what was essentially a European crisis but was also a human crisis. He hoped that meant that action would also be taken to deal with the causes that continued to add to the sum total of human misery and sufferings of countless numbers in many parts of the world who were described by the media as "the silent majority". Nearer home, it was only too

well known what it meant for generations to remain ethnically incarcerated through the sheer force of the entrenched minority, which deprived them of political and other human rights.

17. His delegation fully supported the proposal that a special rapporteur should be appointed by the Commission and be accountable to it, although the propriety of such a rapporteur reporting straight to the Security Council and the Secretary-General would need to be questioned by the Commission. The person appointed should be fair-minded and objective; he would obviously need special United Nations protection. While the matter was of great urgency, comprehensiveness and depth of coverage were essential.

18. The Federal Socialist Republic of Yugoslavia had played a significant role in the promotion and sustaining of the Non-Aligned Movement, dealing with the realities of the times without losing its European identity. It had been sympathetic towards the South and able to maintain close links with East and West. It must make prudent use of the opportunity to be offered to it in the person of the Commission's special rapporteur and give him a credible demonstration of its resolve to end a wasteful conflict. The sooner the collective effort to resolve the problem began, the shorter the time needed to begin the healing process and the sooner Yugoslavia would regain its dignity and pride. Once Yugoslavia was able to taste the fruits of its labour, it could demonstrate that it was also possible for the world to make similar progress. The success of Yugoslavia on the path of its own choosing towards unity was needed in order to spread awareness of suffering and misery in many parts of the world and to hold out the promise of eliminating it. It was needed in order to provide encouragement to the well-endowed of the world to produce leaders who would turn their minds to bringing about equality of opportunity all over the world.

19. Mr. VELASQUEZ (Observer for Panama), speaking under rule 69 of the rules of procedure, reminded those present of article 1 of the Universal Declaration of Human Rights, which stated that all human beings "should act towards one another in a state of brotherhood". That implied the obligation of respecting others as brothers without distinction on grounds of race, colour, sex, language, religion or ideology; in the light of the Universal Declaration, crimes against humanity on grounds of race or religion were of prime importance. The war in the former Yugoslavia was one of extermination based precisely on those grounds.

20. The situation had caused justified alarm in the international community, with its all-too-recent memories of the atrocities of the Second World War. It was imperative that the United Nations should avoid a recurrence of those crimes against humanity. The armed conflict in the former Yugoslavia had gone from a civil war to a war against the innocent, and it was with concern that his delegation had noted that the international efforts to achieve a truce had been unsuccessful and that international humanitarian action had been hindered. He recalled that the former Yugoslavia had signed the international conventions condemning genocide and all forms of racial discrimination.

21. His Government had co-sponsored the draft resolution proposed by the United States, viewing with distress and concern the fundamental violations of human rights and humanitarian rights in the former Yugoslavia. A rapid

solution to crimes against humanity, which endangered peace, justice and freedom, was imperative.

22. Mr. GANAPATHY (Observer for Malaysia), speaking under rule 69 of the rules of procedure, commended the timely and prompt convening of the current Special Session, which underscored the gravity of the deteriorating situation in the former Yugoslavia, and in particular the human tragedy in Bosnia and Herzegovina. It was now clear that the concept of "ethnic cleansing" was no accident of civil war but was designed to secure ethnically pure areas for incorporation into the Federal Republic of Yugoslavia. The potential consequences were reminiscent of the "final solution" essayed over four decades previously. The Commission must condemn the perpetrators of that heinous crime against humanity, express its revulsion at the practice and policy of forcible expulsion, and ensure the return of all refugees in safety and dignity. Malaysia called upon the Commission to institute a thorough investigation of the crimes against humanity and establish a legal framework to bring those responsible to trial. It called upon the international community scrupulously to implement Security Council resolution 757 (1992).

23. The latest Security Council resolution on Bosnia and Herzegovina fell short of what the continuing gross human rights violations required. Malaysia would request the President of the Security Council to convene the Council for a debate on the situation in Bosnia and Herzegovina, in the hope that it would resolve to act in accordance with Article 42 of the Charter of the United Nations. The international community must identify the root cause of the conflict and find a durable political solution.

24. Malaysia would not recognize the succession of the Federal Republic of Yugoslavia to the former Socialist Federal Republic of Yugoslavia until it fully complied with the Security Council resolutions on Bosnia and Herzegovina and recognized the independence, sovereignty, territorial integrity and unity of Bosnia and Herzegovina, and until an agreement on succession was reached among the States of the former Yugoslavia. The international community must question the right of the Federal Republic of Yugoslavia to a seat at the United Nations.

25. The draft resolution before the Commission must be further strengthened if it was to have any effect in halting the deterioration of the situation in Bosnia and Herzegovina. In protest against the continued aggression by the Serbs against the innocent Muslims and Croatians in Bosnia and Herzegovina, Malaysia had severed diplomatic ties with the Federal Republic of Yugoslavia.

26. Mr. BENHIMA (Observer for Morocco), speaking under rule 69 of the rules of procedure, expressed appreciation for the prompt convening of the Special Session, which testified to the desire of member States to put an end to the grave conflict in the former Yugoslavia, especially Bosnia and Herzegovina, which was causing an unprecedented human tragedy. There was evidence of flagrant and continuing violations of the provisions of international human rights instruments, the Charter of the United Nations and international humanitarian law. Most dangerous of all was the policy of "ethnic cleansing", undertaken for the purpose of altering the demographic structure of the region. His country, like many others, had recognized the sovereignty of Bosnia and Herzegovina and condemned all acts perpetrated in accordance with the concept of "ethnic cleansing".

27. His Government had supported the imposition of comprehensive sanctions on Serbia, and welcomed Security Council resolutions 770 (1992) and 771 (1992) and the relevant resolution adopted on the previous day by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

28. The First Special Session of the Commission should culminate in a clear call for an immediate cease-fire in the region, the appointment of a special rapporteur with a view to putting an end to the crimes committed in Bosnia and Herzegovina and prosecuting those responsible for them, and a demand for full access by ICRC to all detention camps and for the return of refugees. None of the measures proposed by the Commission would be useful unless they were accompanied by political measures, namely, respect for the territorial integrity of Bosnia and Herzegovina in keeping with the will of its people. The deteriorating situation in the region required all members of the international community to set aside their differences in order to save the victims.

29. The CHAIRMAN said that he would now give the floor to a number of non-governmental organizations under rule 76 of the rules of procedure.

30. Ms. SIDEM-POULAIN (International Federation of Human Rights) expressed the hope that the procedure for holding special sessions would be used in the future whenever the situation so required, and regretted that the current session had not been convened earlier, given the deteriorating situation in the former Yugoslavia and the fact that the international community had been widely informed about it by the non-governmental organizations.

31. The ethnic and religious grounds for the war raging in the heart of Europe and its underlying ideology, "ethnic cleansing", were intolerable and called for immediate condemnation, action to halt the escalation of aggression and human rights violations, alleviate the consequences and protect present and potential victims, and preventive measures for the future by prosecuting, where necessary, those individually responsible for crimes against humanity.

32. Mr. Solt (Hungary) took the Chair.

33. Mr. MILOSEVIC (World Federalist Movement) thanked the World Federalist Movement for allowing him, as representative of the Serbian people of Bosnia and Herzegovina, to address the Commission. His position did not commit that organization in any way. He thanked Governments for their concern about the people of Bosnia, the people suffering most from the war. It should be remembered that one half of all refugees from Bosnia were of Serbian origin. No serious non-governmental organization held the Serbian authorities of Bosnia solely responsible for developments in Bosnia. The criticisms of some Governments had political connotations and were not prompted by humanitarian concerns.

34. In response to certain accusations, the Serbian Government of Bosnia and Herzegovina affirmed: that there were no concentration camps on the Serbian territory of Bosnia and Herzegovina; that no camps had been moved in order to conceal their existence; that no "ethnic cleansing" operations had been carried out by the Serbian Government of Bosnia and Herzegovina on its territory; and that that Government had never refused international monitoring of prisoner-of-war camps on its territory.

35. The Government of Serbia and Herzegovina accused the Muslim and Croatian authorities of Bosnia of detaining and ill-treating 40,000 Serbs, most of them civilians, in 21 camps, summarily executing over 6,000 Serbs, refusing international inspection of detention camps and forcing over 300,000 Serbs to flee their homes. Reliable sources indicated that the Muslim authorities were beginning to use chemical weapons.

36. The Serbian Government of Bosnia and Herzegovina was prepared to stop fighting immediately and unconditionally, to open all its detention camps to international inspection, and to close all such camps immediately after an exchange of prisoners of war had been carried out on an "all-for-all" basis. It had decided to release all wounded persons, women and children, and all those over the age of 60, and to invite the humanitarian organizations to take over the running of all camps on its territory. It had allowed access to all camps and unconditionally agreed to all suggestions to improve conditions of detention.

37. On 11 August 1992, the Assembly of the Serbian People of Bosnia and Herzegovina had adopted a declaration accepting and supporting all humanitarian efforts by the international community, and on 12 August, a declaration on the political, social and State organization of the Serbian Republic of Bosnia and Herzegovina. The Serbian people of Bosnia were anxious to see an end to the fighting and the establishment of peace. It hoped that the international community would take steps against the Muslim and Croatian authorities of Bosnia and Herzegovina and bring pressure to bear on them so that they would adopt a similarly constructive attitude and put an end to the fighting and the suffering of all three communities. The Serbian Government of Bosnia and Herzegovina was currently preparing unilateral action in connection with the prisoner-of-war camps.

38. Mr. IBARRA (International Indian Treaty Council), welcoming the holding of a special session of the Commission, said that the policy of "ethnic cleansing", with its sinister connotations, undoubtedly fell within the scope of articles II, III and IV of the Convention on the Prevention and Punishment of the Crime of Genocide.

39. Other developments and acts occurring in the former Yugoslavia, such as summary executions, forced or involuntary disappearances, transfers of population, attacks on hospital installations and on the civilian population, and hostage-taking were prohibited under other international instruments. In order to fulfil its role as the custodian of human rights and fundamental freedoms, the Commission should appoint an ad hoc working group which, with the support of the Centre for Human Rights and staff of other specialized agencies, should visit the former Yugoslavia, talk to the parties involved and draw up a preliminary report within a relatively short period of time, followed in due course by a detailed report for consideration by the General Assembly. In its report, the proposed working group should take account of all international instruments and should make recommendations on measures to be adopted by the international community.

40. In conclusion, he asked what it was about the situation of the former Yugoslavia, as distinct from the dramatic events affecting the peoples of Guatemala, Somalia or East Timor, that warranted the convening of a special session.

41. Ms. RISHMAVI (International Commission of Jurists), speaking on behalf of the International Commission of Jurists, Human Rights Advocates and Pax Christi International, said it was to be hoped that other situations of similar concern would be treated by the Commission with the same urgency as it was currently displaying. Many of the reported acts taking place in the former Yugoslavia constituted criminal violations of human rights and grave breaches of the Geneva Conventions and their Protocols, to whose common article 1 she drew attention.

42. The crisis highlighted the Commission's special role in protecting human rights, which should go beyond the traditional mechanisms of condemnation, monitoring and reporting. Resolutions should clearly concentrate on the need for protection. The situation in Bosnia and other parts of the region required a continuing, on-the-spot United Nations human rights presence. The United Nations Protection Force (UNPROFOR) had no adequate human rights mandate, and a recommendation from the Commission to include a human rights component in the United Nations operation in Yugoslavia would be a valuable means of ensuring such a presence. Similar to the operations in El Salvador and Cambodia, it might include establishing a team of human rights investigators and legal, judicial and police advisers to be based in the country, with the mandate of actively monitoring the human rights situation, investigating specific cases of human rights violations, promoting human rights, and making recommendations to eliminate violations and promote respect for human rights. In addition to such an operation, there was a need for a more generous international response to the plight of the refugees in the region.

43. Mr. SIMONOVIC (Observer for Croatia), making a statement equivalent to a right of reply, questioned the authorization given by a non-governmental organization to a representative of the Government of a non-existing State to speak in its name at an international conference, and to make promises on behalf of that alleged Government. The seriousness of his statement could be judged from the contradiction between the statement made by the representative of Yugoslavia on the previous day to the effect that there were no women and children in detention camps, and the announcement just made that women and children were to be released. The proposal to conduct an exchange of prisoners on an "all-for-all" basis suggested deportation, transfers of population or, in short, "ethnic cleansing". It was worth noting that the sudden political will to stop fighting came at a time when the Serbs, who accounted for only 30 per cent of the population of Bosnia and Herzegovina, occupied or controlled nearly 70 per cent of that territory.

The meeting was suspended at 4.55 p.m. and resumed at 5.45 p.m.

44. The CHAIRMAN invited the members of the Commission to consider draft resolution E/CN.4/1992/S-1/L.2 entitled "The situation of human rights in the territory of the former Yugoslavia", which had been introduced at the previous meeting by the representative of the United States of America. The large number of sponsors of the resolution, together with the extensive debate that had taken place, indicated a broad convergence of ideas among the participants.

45. Mr. BOLTON (United States of America) announced that the following countries should be added to the list of sponsors: Turkey, Egypt, Malaysia, Azerbaijan, Sudan, Tunisia, and Lithuania. As a result of discussions among the sponsors, the following three amendments should be made in the text: (1) in the second line of the fifth preambular paragraph, the word "occurring" should be replaced by the word "perpetrated"; (2) in the tenth preambular paragraph, the words "and subsequent Security Council resolutions on the subject" should be replaced by the specific number and date of each resolution subsequent to resolution 713 (1991), up to and including resolution 771 (1992) adopted the day before; (3) at the end of the preambular part, the following paragraph should be added:

> "Noting also the official resolution of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the same subject, adopted on 13 August 1992 and annexed herewith."

He believed those three amendments strengthened the text, which he hoped would be adopted by consensus.

46. Mr. MAKEYEV (Russian Federation) said that his delegation supported the draft resolution, despite the fact it did not find all the provisions to be precise and unambiguous. In particular, a number of paragraphs prejudged the development of events in the former Yugoslavia and contained assessments that would be more appropriate following the investigation and report of the special rapporteur. His delegation had tried to help produce a document that would make it impossible for the Commission to be accused of taking a one-sided approach to the problem.

47. A number of important points had been reflected, but unfortunately other equally important points had not been included. However, the compromise had been reached after much hard work, and what was important at the present time was to show the world that the Commission was united in its concern and alarm at the violations of human rights in Yugoslavia. Referring to the resolution adopted unanimously on the subject by the Sub-Commission on Prevention of Discrimination and Protection of Minorities the day before, he expressed the hope that draft resolution E/CN.4/1992/S-1/L.2 would also be adopted unanimously. In conclusion, he welcomed the willingness of the Federal Republic of Yugoslavia to cooperate in carrying out the terms of the resolution.

48. Mr. BRANKOVIC (Yugoslavia) noted that the "former Yugoslavia" referred to in the resolution encompassed Slovenia, Croatia, Bosnia-Herzegovina, Macedonia and the Federal Republic of Yugoslavia. Precisely because Yugoslavia condemned the existence of camps, it believed that the draft resolution should apply the same criteria to all regions of the former Yugoslavia.

49. The unjustified and unobjective accusations against the Federal Republic of Yugoslavia represented purely political attempts by some countries to turn the international community against it. Such a biased approach amounted to racial discrimination since it aimed to lay blame only on the Serbs in a civil war in which all sides in the conflict were to blame. Thus the special rapporteur should investigate all cases of human rights violations, with no discrimination whatsoever.

50. Unfortunately, the resolution did not reflect the basic principle of the presumption of innocence. It levelled accusations for which there was no proof and appointed a rapporteur to find such proof. The impression received was that the report of the special rapporteur had already been written, in order to justify the accusations embodied in the resolution. That was difficult to accept for his delegation, which considered that accusations should only be made following an impartial report by the special rapporteur.

51. That having been said, he would like once again to stress that the Federal Republic of Yugoslavia was open to any international assessment of events in its territory. It was in that context that it agreed to the visit of the special rapporteur, who would be able to see for himself that the Federal Republic of Yugoslavia respected human rights and the rules of international humanitarian law. Thus, the interest of ending the war in Bosnia and Herzegovina and ensuring the application of the standards of international law in all parts of the former Yugoslavia, his delegation had not wished to disturb the consensus which appeared to exist concerning the text submitted for adoption.

52. Mr. ZAHRAN (Observer for Egypt) said that his delegation was a sponsor of the draft resolution before the Commission, despite its omission of certain important points; it felt that the Commission could not continue to ignore human rights violations, in particular the right of an entire people to self-determination.

53. His delegation would have liked the draft resolution to be tougher, by clearly naming the aggressor, but it was confident that the truth would emerge in the light of the special rapporteur's report. Likewise, it would have liked to see the victims named, in particular those who had suffered the most, i.e. the Muslim communities. It would also have liked an explicit reference to the right of the people of Bosnia and Herzegovina to self-determination.

54. However, the draft resolution contained sufficient positive elements for his delegation to sponsor it. In particular, it denounced the practice of "ethnic cleansing" and called for the appointment of a special rapporteur to investigate human rights violations in the former Yugoslavia. His delegation would have liked the date of that appointment to be 26 August, to coincide with the start of the London Conference, but in any event it hoped the report would be exhaustive and would be submitted to the Commission as soon as possible in the light of Security Council resolutions 770 (1992) and 771 (1992). The reference in the preambular part to the Sub-Commission's resolution and operative paragraphs 5 and 16 of draft resolution L.2 were additional positive elements that had enabled his delegation to join the sponsors. It hoped the draft resolution would be adopted by consensus.

55. Mr. PACE (Secretariat) said that the financial implications of draft resolution L.2 could not be precisely determined at the present time. They were, however, estimated at some $100,000, which the Secretary-General would endeavour to absorb within the resources already approved under section 28 of the programme-budget for 1992-1993.

56. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1992/S-1/L.2 without a vote.

57. It was so decided.

58. Mr. HELLER (Mexico) said that his delegation supported the resolution just adopted as it reflected the need for action by the international community on the human rights situation in the former Yugoslavia. Such action could have been initiated at the Commission's January session, but the fact could not be ignored that the cessation of human rights violations in the former Yugoslavia would have to be reached by a negotiated solution to the conflict which involved new States that had emerged from the break-up of that territory.

59. Referring to paragraphs 14 and 15 of of the resolution, he pointed out that the Charter of the United Nations did not give the Security Council competence to deal with reports by special rapporteurs of the Commission. In his delegation's view, established procedures must be respected without exception.

60. Mrs. FERRIOL ECHEVARRIA (Cuba) said that, although her delegation had not objected to the convening of the current Special Session, it had serious misgivings about the convening of special sessions of the Commission without specific rules impartially establishing which situations warranted such sessions. When, a few weeks before, the Arab delegations had asked for a special session to discuss the deterioration of human rights in the occupied Palestinian territories, an item that had been discussed in regular sessions, their request had been refused because of manoeuvres of which everyone was aware. In addition, the world was witnessing a dramatic situation in Somalia. In her delegation's view, human tragedies should be given equal treatment and should not be used to further the political interests of those who were exercising hegemony over decisions in the Commission.

61. Her delegation had joined the consensus on the understanding that the United Nations must play its role in helping to achieve a prompt, peaceful and negotiated solution to end a fratricidal war. However, paragraphs 13 to 16 of the resolution distorted the Commission's mandate. It should be clear to all that the Special Rapporteur reported only to the Commission and that the Commission reported to the Economic and Social Council. The provision for the direct submission of reports to the Security Council and the failure to mention the Economic and Social Council, of which the Commission was a subsidiary body, set a precedent that violated Articles 62 and 65 of the Charter of the United Nations as well as the Commission's rules of procedure.

62. Certain imprecise definitions in the resolution did not facilitate an objective and impartial evaluation of the situation. For example, she would like to know whether or not the term "former Yugoslavia" included the new sovereign States that had emerged from that territory and were now Members of the United Nations, in other words, exactly which territories the mandate of the Special Rapporteur was to cover. In conclusion, she said that her delegation had joined the consensus on the resolution in the hope that the procedure followed would be impartial and objective and would lead to the clarification of the situation in the former Yugoslavia for the benefit of international public opinion.

63. Mr. TURK (Austria) said his delegation welcomed the adoption by consensus of resolution L.2, which it hoped would be perceived by the international community as a clear signal to those instigating or carrying out acts of violence in the former Yugoslavia, in particular in Bosnia and Herzegovina.

64. It should be borne in mind that the resolution was the outcome of intensive negotiations and bore many marks of compromise. His delegation would have preferred more explicit language in its provisions, in which connection the resolution recently adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities was to be commended. In particular, his delegation would have preferred the inhuman practice of "ethnic cleansing", which amounted to genocide, to be called clearly by that name. The resolution should also have explicitly mentioned those primarily responsible for the most serious violations of human rights and standards of international humanitarian law, i.e. the Serbian irregular forces and the former Yugoslav National Army. However, his delegation trusted that the Special Rapporteur to be appointed would be in a position to address those issues and take a stand on them, as a contribution to putting an end to the extremely serious violations of basic standards of human civilization being witnessed in the territory of the former Yugoslavia.

65. Mr. FAROUQUE (Sri Lanka) said that his delegation had joined the consensus on resolution L.2 despite the fact that its previously expressed concerns had not been taken into account. In particular, paragraphs 14 and 15 did not follow the established channels, linking the Commission and the Security Council, and paragraph 16 extended the mandate of the Special Rapporteur beyond the competence of the Commission.

66. Mr. AL-KHADI (Iraq) said that in view of the serious situation in the former Yugoslavia, in particular Bosnia and Herzegovina, his delegation had not opposed the adoption of resolution L.2 by consensus. However, it had certain reservations, in particular concerning paragraphs 14 and 15 of the resolution, which ignored the Commission's rules of procedure and the way in which special rapporteurs normally operated. Those paragraphs set a precedent that ran counter to the Charter of the United Nations and might be exploited by certain permanent members of the Security Council in order to attain political objectives on the pretext of respect for human rights.

67. Mr. GASPARIC (Slovenia) said that his delegation would have preferred certain provisions of the resolution to be stronger. It would also like to point out that human rights violations were occurring in only three of Yugoslavia's former six republics, namely Croatia, Bosnia-Herzegovina and the Federal Republic of Yugoslavia.

68. The CHAIRMAN announced that, under paragraph 12 of the resolution contained in document E/CN.4/1992/S-1/L.2, he had appointed Mr. Tadeusz Mazowiecki as Special Rapporteur to investigate the human rights situation in the territory of the former Yugoslavia. The Bureau of the Commission had been duly informed.

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIRST SPECIAL SESSION (agenda item 4) (E/CN.4/1992/S-1/L.1)

69. The CHAIRMAN said that since the report of the First Special Session was a purely procedural one, delegations should submit any comments or corrections directly to the Rapporteur after the adoption of the report.

70. Mrs. GALVIS (Colombia), Rapporteur, drew members' attention to the report to the Economic and Social Council on the First Special Session, contained in document E/CN.4/1992/S-1/L.1. After briefly describing its contents, she noted that a first paragraph would be added to chapter I explaining the reasons for holding the First Special Session, and citing the Economic and Social Council resolution authorizing the session and the procedure followed to implement it.

71. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt document E/CN.4/1992/S-1/L.1 without a vote.

72. It was so decided.

CLOSURE OF THE SESSION

73. The CHAIRMAN said that, with the adoption of the report the Commission had completed its work. He thanked the members for their understanding and cooperation and declared the session closed.

The meeting rose at 6.35 p.m.